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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,393	07/02/2003	Durga Prasad Malladi	030340	4457
23696	7590	12/19/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			PHUONG, DAI	
		ART UNIT	PAPER NUMBER	
		2688		

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,393	MALLADI ET AL.	
	Examiner	Art Unit	
	Dai A. Phuong	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 October 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 9 and 19 is/are allowed.
 6) Claim(s) 1-8,10-18 and 20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. Applicant's arguments filed 10/24/2005 have been fully considered but they are not persuasive. However, dependent claims 1 and 11 have been amended. Claims 9 and 19 have been rewritten as independent claims. Claims 1-20 are currently pending.

Applicant, on page 1 of his response, argues that that Ho does not teach or suggest the claimed feature “free of messages transmitted between said *base station* and a *base station controller* from a *time after receipt of the request message by said base station* and *before the transmitting of the assignment message by said base station*”

However, the examiner disagrees. The applicant's attention is directed to the disclosure of the reference Ho et al., fig. 1 and fig. 2, at column 3, line 66 to column 4, line 36. When the MS 32 initiates a *call 50* to request a channel to the BTS 20. After that, there are a several *free of messages exchanged between the BTS 20 and the base station controller 16*, for example, channel required, channel activate, channel activate acknowledge and *immediate assignment*. Then, the immediate assignment message 52 is send from the BTS 20 to the MS 32. Since the claim does not clearly recite that which entity receives a request message and assignment message by the base station, for example, “*from a time after receipt of the request message by said base station and before the transmitting of the assignment message by said base station*”. Therefore, Ho et al. read on the claimed limitations with the broadest reasonable interpretation.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al. (U.S. 6,314,292).

Regarding claim 1, Ho et al. disclose a method for a communication system comprising: transmitting a request message, for acquiring a data packet channel, from a mobile station to a base station (col. 4, lines 3-4); transmitting an assignment message (col. 4, lines 4-9), for said acquiring said data packet channel, from said base station to said mobile station free of messages transmitted between said **base station** and a **base station controller** from a time after receipt of the request message by said base station and before the transmitting of the assignment message by said base station (the applicant's attention is directed to the disclosure of the reference Ho et al., fig. 1 and fig. 2, at column 3, line 66 to column 4, line 36. When the MS 32 initiates a call 50 to request a channel to the BTS 20. After that, there are a several *free of messages exchanged between the BTS 20 and the base station controller 16*, for example, channel required, channel activate, channel activate acknowledge and *immediate assignment*. Then, the immediate assignment message 50 is send from the BTS 20 to the MS 20); transmitting a notification message from said base station to a base station controller, wherein said notification message informs said base station controller of a process of said acquiring said data packet channel (col. 4, lines 9-36. Notice that, BSC 16 assigned a SDCCH channel to mobile station 32 for temporary, and an interim a TCH/F channel is assigned by MSC or BSC).

Regarding claim 2, Ho et al. disclose all the limitation in claim 1. Further, Ho et al. disclose the method further comprising: completing said acquiring said data packet channel (col. 4, lines 19-21); transmitting an indication message from said mobile station to said base station

controller indicating a successful completing of said acquiring said data packet channel (fig. 2, col. 4, lines 31-36).

Regarding claim 3, Ho et al. disclose all the limitation in claim 2. Further, Ho et al. disclose the method further comprising: processing said indication message for message integrity at said base station controller (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station).

Regarding claim 4, Ho et al. disclose all the limitation in claim 3. Further, Ho et al. disclose the method further comprising: transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said message integrity process (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 5, Ho et al. disclose all the limitation in claim 4. Further, Ho et al. disclose the method as recited in claim 4 further comprising: releasing resources allocated to said acquiring said data packet channel (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send

out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 6, Ho et al. disclose all the limitation in claim 2. Further, Ho et al. disclose the method further comprising: processing said indication message for security feature at said base station controller (col. 4, line 19-24).

Regarding claim 7, Ho et al. disclose all the limitation in claim 6. Further, Ho et al. disclose the method further comprising: transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said security feature process (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 8, this claim is rejected for the same reasons as set forth in claim 5.

Regarding claim 10, Ho et al. disclose all the limitation in claim 1. Further, Ho et al. disclose the method further comprising: allocating a portion of communication resources at said base station for response to said request message for acquiring a data packet channel (col. 4, lines 21-36).

Regarding claim 11, Ho et al. disclose an apparatus for a communication system comprising: means for transmitting a request message, for acquiring a data packet channel, from a mobile station to a base station (col. 4, lines 3-4); means for transmitting an assignment

message (col. 4, lines 4-9), for said acquiring said data packet channel, from said base station to said mobile station free of messages transmitted between said *base station* and a *base station controller* from a time after receipt of the request message by said base station and before the transmitting of the assignment message by said base station (the applicant's attention is directed to the disclosure of the reference Ho et al., fig. 1 and fig. 2, at column 3, line 66 to column 4, line 36. When the MS 32 initiates a call 50 to request a channel to the BTS 20. After that, there are a several *free of messages exchanged between the BTS 20 and the base station controller 16*, for example, channel required, channel activate, channel activate acknowledge and *immediate assignment*. Then, the immediate assignment message 50 is send from the BTS 20 to the MS 20); means for transmitting a notification message from said base station to a base station controller, wherein said notification message informs said base station controller of a process of said acquiring said data packet channel (col. 4, lines 9-36. Notice that, BSC 16 assigned a SDCCH channel to mobile station 32 for temporary, and an interim a TCH/F channel is assigned by MSC or BSC).

Regarding claim 12, Ho et al. disclose all the limitation in claim 11. Further, Ho et al. disclose the apparatus further comprising: means for completing said acquiring said data packet channel (col. 4, lines 19-21); means for transmitting an indication message from said mobile station to said base station controller indicating a successful completing of said acquiring said data packet channel (fig. 2, col. 4, lines 31-36).

Regarding claim 13, Ho et al. disclose all the limitation in claim 12. Further, Ho et al. disclose the apparatus further comprising: means for processing said indication message for message integrity at said base station controller (col. 4, lines 19-24. Inherently, the base station

controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station).

Regarding claim 14, Ho et al. disclose all the limitation in claim 13. Further, Ho et al. disclose the apparatus further comprising: means for transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said message integrity process (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 15, Ho et al. disclose all the limitation in claim 14. Further, Ho et al. disclose the apparatus further comprising: means for releasing resources allocated to said acquiring said data packet channel (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 16, Ho et al. disclose all the limitation in claim 12. Further, Ho et al. disclose the apparatus further comprising: means for processing said indication message for security feature at said base station controller (col. 4, lines 19-24).

Regarding claim 17, Ho et al. disclose all the limitation in claim 16. Further, Ho et al. disclose the apparatus as recited in claim 16 further comprising: means for transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said security feature process (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 18, this claim is rejected for the same reasons as set forth in claim 15

Regarding claim 20, Ho et al. disclose all the limitation in claim 11. Further, Ho et al. disclose the apparatus further comprising: means for allocating a portion of communication resources at said base station for response to said request message for acquiring a data packet channel (col. 4, lines 21-36).

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowed:

Claims 9 and 19 are allowed.

Regarding claims 9 and 19, the prior art record does not disclose nor fairly suggest **transmitting a notification message from said base station to a base station controller, wherein said notification message informs said base station controller of a process of said acquiring said data packed channel; completing said acquiring said data packet channel;**

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transmitting an indication message from said mobile station to said base station controller indicating a successful completing of said acquiring said data packet channel; starting a timer at said base station controller for measuring time expired after receiving said notification message; transmitting a radio link release message from said base station controller to said base station in response to detecting expiration of said timer with respect to a timer threshold before receiving said indication message.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-10-2005

George Eng
GEORGE ENG
PRIMARY EXAMINER